

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of WEBSTER

Serial No.: 10/624,880

Examiner:

Date Filed: July 22, 2003

Group: 1635

For: PREVENTING ISCHEMIA-INDUCED CELL DAMAGE

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

February 26, 2004

Reg. No. 42,730

Stanley A. Kim, Ph.D., Esq.

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please find enclosed for filing the following:

X Information Disclosure Statement, with PTO/SB/08B, with references; and


X 1 postcard.

Although no fee is believed due, please charge any underpayment to Deposit Account No. 50-0951. This letter is submitted in duplicate.

Respectfully submitted,

AKERMAN SENTERFITT

Dated: February 26, 2004


Stanley A. Kim, Ph.D., Esq.
Registration No. 42,730
222 Lakeview Avenue, Suite 400
West Palm Beach, FL 33401-6183
Tel: 561-653-5000

Docket No. 7230-4



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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:


Pursuant to the Duty to Disclose under 37 CFR 1.56, the references cited on the accompanying forms PTO/SB/08B are hereby brought to the attention of the Examiner for independent evaluation. A copy of each non-US patent reference is enclosed.

The claimed invention is believed patentable over the disclosures enclosed. This citation is intended to give the Examiner an opportunity to make an independent evaluation. No representations are made regarding these materials.

Respectfully submitted,

AKERMAN SENTERFITT

Dated: February 26, 2004


Stanley A. Kim, Ph.D., Esq.
Registration No. 42,730
222 Lakeview Avenue, Suite 400
West Palm Beach, FL 33401-6183
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PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/624,880
Filing Date	July 22, 2003
First Named Inventor	Webster
Art Unit	1635
Examiner Name	
Attorney Docket Number	7230-4

Sheet	1	of	1
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Bruick, R., "Expression of the gene encoding the proapoptotic Nip3 protein is induced by hypoxia," PNAS, 97: 9082-9087, 2000.	
		Velde, et al., "BNIP3 and Genetic Control of Necrosis-Like Cell Death through the Mitochondrial Permeability Transition Pore," Molecular and Cellular Biology, 20: 5454-5468, 2000.	
		Chen et al., "The E1B 19K/Bcl-2-binding Protein Nip3 is a Dimeric Mitochondrial Protein that Activates Apoptosis," J. Exp. Med., 186: 1975-1983, 1997.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.